

06-13-01

A

06/11/01
Jc962 U.S. PTO

Docket # PF-0397-3 CON

"Express Mail" mailing label number EL 856 112 375 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 6-11-01

By: Nancy RamosPrinted: Nancy Ramos

J1017 U.S. PTO
09/879401
06/11/01

Amat
3/9

Wanda

3/31/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/390,126, filed on September 3, 1999, which is a divisional of U.S. application Serial No. 09/208,718, filed December 9, 1998, now U.S. Patent No. 6,063,767, issued May 16, 2000, which is also a divisional application of U.S. Serial No. 08/958,820, filed October 28, 1997, now U.S. Patent No. 5,888,742, issued March 30, 1999, all entitled **HUMAN PHOSPHOLIPID BINDING PROTEINS**.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/958,820, filed October 28, 1997, now U.S. Patent No. 5,888,742, issued March 30, 1999, all entitled **HUMAN PHOSPHOLIPID BINDING PROTEINS**., including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/958,820, filed October 28, 1997, now U.S. Patent No. 5,888,742, issued March 30, 1999, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/958,820 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 8, 10, 18-26, and 29-44 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this

09/879401-061101

time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventors of the invention being claimed in this application are: Preeti Lal, Jennifer L. Hillman, Neil C. Corley, and Purvi Shah.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on March 6, 1998 is enclosed.
6. Amend the specification by inserting after the title:
7. X The filing fee is calculated below:

| Claims | Number Filed | Minus | Number Extra | Other Than Small Entity | | Basic Fee |
|---|--------------|-------|--------------|-------------------------|-----|-----------|
| | | | | Rate | Fee | \$710.00 |
| Total Claims | 21 | -20 | 0 | x \$18 | | \$ 18.00 |
| Indep. Claims | 2 | -3 | 0 | x \$80 | | \$ 0 |
| <u> </u> Multiple Dependent Claim(s), if any | | | | + \$270 | | \$ 18.00 |

TOTAL FILING FEE \$ 728.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 728.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on March 6, 1998, at reel 9022/frame 0730.

12. ☐ A preliminary amendment is enclosed.
13. ☒ Also enclosed: Return Postcard, Information Disclosure Statement, List of Cited References (1449), and Revocation and Power of Attorney.
14. ☒ The power of attorney of the prior application is to:

| | |
|-----------------------|-----------------|
| Lucy J. Billings | Reg. No. 36,749 |
| Michael C. Cerrone | Reg. No. 39,132 |
| Colette C. Muenzen | Reg. No. 39,784 |
| Sheela Mohan-Peterson | Reg. No. 41,201 |
| Karen J. Zeller | Reg. No. 37,071 |
| Narinder S. Banait | Reg. No. 43,482 |
| Diana Hamlet-Cox | Reg. No. 33,302 |
| Lynn E. Murry | Reg. No. 42,918 |
| Susan K. Sather | Reg. No. 44,316 |
| David G. Streeter | Reg. No. 43,168 |

- a. ☒ A Certificate Under 37 C.F.R. 3.73(b), Revocation of power of Attorney and Appointment of New Attorneys is enclosed.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 11 June 2001

By:

Richard C. Ekstrom

Richard C. Ekstrom

Reg. No. 37,027

Direct Dial Telephone: (650) 843-7352

Date: 11 June 2001

Michelle M. Stempien

Michelle M. Stempien

Reg. No. 41,327

Direct Dial Telephone: (650) 843-7219

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)
- Registration number if acting under 37 CFR 1.34(a) _____